### PATENT COOPERATION TREATY

REC'D 1 0 JUN 2005

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From the INTERNATIONAL SEARCHING AUTHORITY

To:

MERCK & CO., INC 126 EAST LINCOLN AVENUE			PCI	
RAHWAY, NJ 07065-0907			RITTEN OPINION OF THE ONAL SEARCHING AUTHORITY	
			(PCT Rule 43bis.1)	
·	i	Date of mailing (day/month/year)	08 JUN 2005	]
Applicant's or agent's file reference PCT 21586	<b></b>	FOR FURTHER	ACTION See paragraph 2 below	
International application No.	International filing date	(day/month/year)	Priority date (day/month/year)	1
PCT/US05/01928	21 January 2005 (21.01	.2005)	26 January 2004 (26.01.2004)	
International Patent Classification				1
IPC(7): C07D 249/08; A61K 31/4 Applicant	96 and US Cl.: 548/262.2; 514/	383	······································	-
MERCK & CO., INC.			·	].
1. This opinion contains indication	ons relating to the following iten	ns:		
Box No. I Basis	of the opinion			
Box No. II Prior	ity			
Box No. III Non-	stablishment of opinion with re	egard to novelty, inver	ntive step and industrial applicability	
Box No. IV Lack	of unity of invention			
	oned statement under Rule 43 <i>bis</i> cability, citations and explanatio		o novelty, inventive step or industrial stement	
Box No. VI Certa	in documents cited			
Box No. VII Certa	in defects in the international ap	plication		
Box No. VIII Certa	in observations on the internatio	onal application		
2. FURTHER ACTION		•		
International Preliminary Exa Authority other than this one	mining Authority ("IPEA") ex	ccept that this does IPEA has notified the	be considered to be a written opinion of the not apply where the applicant chooses an e international Bureau under Rule 66.1bis(b) cred.	
IPEA a written reply together,		ments, before the exp	EA, the applicant is invited to submit to the piration of 3 months from the date of mailing whichever expires later.	
For further options, see Form F	CT/ISA/220.		•	
3. For further details, see notes to	Form PCT/ISA/220.			İ
Name and mailing address of the IS.	A/ US	Audiorized officer	7 00 11 0	i
Mail Stop PCT, Attn: ISA/US Commissioner for Patents	•	Jake L. Coppins	reBell-Harris fr	1
P.O. Box 1450		The state of the s	<i>'</i>	
Alexandria, Virginia 22313-1	450	Telephone No.		

Facsimile No. (703) 305-3230
Form PCT/ISA/237 (cover sheet) (January 2004)

Box No. I Basis of this opinion	_
<ol> <li>With regard to the language, this opinion has been established on the basis of the international application in the language in which was filed, unless otherwise indicated under this item.</li> </ol>	it
This opinion has been established on the basis of a translation from the original language into the following language which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).	
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:	
a. type of material	
a sequence listing	
table(s) related to the sequence listing	
b. format of material	
in written format	
in computer readable form	
c. time of filing/furnishing	
contained in international application as filed.	
filed together with the international application in computer readable form.	
furnished subsequently to this Authority for the purposes of search.	
In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.	
4. Additional comments:	
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	1

Form PCT/ISA/237 (Box No. V) (January 2004)

applicability; citations and ex					
	<b></b>				
Novelty (N)	Claims		·	<u> </u>	Y
	Claims	NONE	<del></del>		N
Inventive step (IS)	Claims	1-26			Y
		NONE			N
Industrial applicability (IA)	Claims	1 26			
and approximately (173)		NONE			Y:Y:
	Çanan S				N
Citations and explanations:					
aims 1-26 meet the criteria set out in PCT Artic	le 33(2\_(3\ beca	see the prior art	doog not to - sh	£:-1	
statune forms of 3-[1](4-chlorophenyl)-trans-3	-fluorocyclobutyl]	ise the prior art  -4,5-dicyclopro	goes not teach pyl-r-4H-1,2,4	or fairly sugg -triazole, thei	gest the instant claim: r pharmaceutical
mpositions, or their methods of use.		•			
aims 1-26 meet the criteria set out in PCT Artic	le 33(4), and thus	have industrial:	annlicahility be	cause the sub	viect matter claimed
made or used in the pharmaceutical industry as	inhibitan - 641 - 1		applicationity of	cause life but	Jeer maner claimed
heter for any 1	immonors of the	.16-hydroxyster	oid dehydroger	ase Type 1, 1	for treating Type 2
betes, for example.	immonors of the	.16-hydroxyster	oid dehydroger	nase Type 1, 1	for treating Type 2
betes, for example.	ammontors of the	. 16-hydroxyster	oid dehydroger	nase Type 1, 1	for treating Type 2
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petes, for example.	immonors of the I	1b-hydroxyster	oid dehydroger	ase Type 1, 1	for treating Type 2
etes, for example.	immonors of the I	1b-hydroxyster	oid dehydroger	ase Type 1, 1	for treating Type 2
petes, for example.	immonors of the I	1b-hydroxyster	oid dehydroger	ase Type 1, 1	for treating Type 2
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etes, for example.	immonors of the I	1b-hydroxyster	oid dehydroger	ase Type 1, 1	for treating Type 2
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ectes, for example.	immonors of the I	1b-hydroxyster	oid dehydroger	ase Type 1, 1	for treating Type 2
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betes, for example.	immonors of the I	1b-hydroxyster	oid dehydroger	ase Type 1, 1	for treating Type 2
betes, for example.	immonors of the J	1b-hydroxyster	oid dehydroger	ase Type 1, 1	for treating Type 2
betes, for example.	immonors of the J	1b-hydroxyster	oid dehydrogen	ase Type 1, 1	for treating Type 2
betes, for example.	immonors of the J	1b-hydroxyster	oid dehydrogen	ase Type 1, 1	for treating Type 2
betes, for example.	immonors of the J	1b-hydroxyster	oid dehydroger	ase Type 1, 1	for treating Type 2

### PATENT COOPERATION TREATY

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From the			
INTERNATIONAL SEARCHING AU	THORITY		
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To:		$\mathbf{D}_{\ell}$	$oldsymbol{C}$
MERCK & CO., INC	1		٠.

To: MERCK &

	ST LINCOLN AV				•
RAHWA	AY, NJ 07065-09	007		WR	UTTEN OPINION OF THE
	-		-	INTERNATIO	ONAL SEARCHING AUTHORITY
1	•				(DCT Date 421 t)
	•				(PCT Rule 43bis.1)
				Date of mailing (day/month/year)	08 JUN 2005
Applicar	nt's or agent's file	reference		FOR FURTHER	
PCT 215	86				See paragraph 2 below
Internati	onal application N	o.	International filing date	(day/month/year)	Priority date (day/month/year)
PCT/US	05/01928		21 January 2005 (21.01.	2005)	26 January 2004 (26.01.2004)
Internati	onal Patent Classif	fication (IPC)	or both national classificat	ion and IPC	
		K 31/4196 and	1 US Cl.: 548/262.2; 514/3	83	
Applican	t				
MERCK	& CO., INC.				
	• • • • • • • • • • • • • • • • • • • •		**************************************		
1. This	opinion contains i	indications rela	ating to the following item	s:	·
	Box No. I	Basis of the	opinion		
	Box No. II	Priority			·
	Box No. III	Non-establi	shment of opinion with reg	gard to novelty, inven	ative step and industrial applicability
	Box No. IV	Lack of unit	y of invention		
	Box No. V	Reasoned st	atement under Rule 43 <i>bis</i> ,	1(a)(i) with regard to as supporting such sta	novelty, inventive step or industrial
	Box No. VI	Certain docu	ments cited		į
	Box No. VII	Certain defe	cts in the international app	olication	
	Box No. VIII	Certain obse	rvations on the internation	nal application	
2. FUR	THER ACTIO	N		•	
Intern Auth	national Prelimina ority other than th	ary Examining his one to be the	g Authority ("IPEA") ex	cept that this does PEA has notified the	be considered to be a written opinion of the not apply where the applicant chooses an Enternational Bureau under Rule 66.1bis(b) red.
IPEA	a written reply to	gether, where	, considered to be a writt appropriate, with amendr xpiration of 22 months fro	nents, before the exp	EA, the applicant is invited to submit to the biration of 3 months from the date of mailing whichever expires later.
	arther options, see			,	·
3. For fi	urther details, see 1	notes to Form	PCT/ISA/220.		
Name and	mailing address o	f the ISA/ US		Authorized officer	- 12 00 11
1	Mail Stop PCT, Attn Commissioner for Pa	: ISA/US		Jake L. Coppins	weBell-Harris for
	P.O. Box 1450 Mexandria, Virginia	22313-1450		Telephone No. '	

Facsimile No. (703) 305-3230
Form PCT/ISA/237 (cover sheet) (January 2004)

Box N	o. I Basis of this opinion
1. With was f	regard to the language, this opinion has been established on the basis of the international application in the language in which it iled, unless otherwise indicated under this item.
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	furnished subsequently to this Authority for the purposes of search.
3. 🔲	In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additi	onal comments:
	·
•	
	•
form PCT/I	SA/237(Box No. I) (January 2004)

1. Statement		
Novelty (N)	Claims 1-26	
1.01.2.1)	Claims NONE	YE
Inventive step (IS)		YE
	Claims NONE	NC
Industrial applicability (IA)	Claims 1-26	YE
<u>.</u>	Claims NONE	NC
. Citations and explanations:		
Plaims 1-26 meet the criteria set out in PCT Artic	e 33(2)-(3), because the prior art does not ten	ch or fairly suggest the instant claims
rystalline forms of 3-[1[(4-chlorophenyl)-trans-3- compositions, or their methods of use.	fluorocyclobutyl]-4,5-dicyclopropyl-r-4H-1,	2,4-triazole, their pharmaceutical
laims 1-26 meet the criteria set out in DCT A-tic	22/A) and thus have in the till a 11 1 114	
laims 1-26 meet the criteria set out in PCT Article made or used in the pharmaceutical industry as	nhibitors of the 11b-hydroxysteroid dehydro	because the subject matter claimed c genase Type 1, for treating Type 2
iabetes, for example.		
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